



## OPPORTUNITIES FROM CHINA'S ACCESSION TO THE WTO

# West Virginia

*The U.S.-China Bilateral Agreement on China's accession to the WTO opens an important market to West Virginia's exports, benefitting key industries and creating export and employment opportunities. The importance of exports to China and the benefits of the Agreement for West Virginia and its key industries are outlined below.*

### State Export Profile

West Virginia's export sales to China in 1998 totaled \$17 million in 1998.

China ranked as West Virginia's 14th largest export destination in 1998.

West Virginia's exports to China are becoming more diversified, with 1998 exports to China encompassing 17 product groups compared to 11 product groups in 1993. In 11 of the product sectors, West Virginia more than doubled exports to China during the 1993-98 period.

Exports to China from the Parkersburg-Marietta, WV-OH, metropolitan area totaled \$4.1 million in 1998, up sharply from \$1.1 million the previous year.

- Low tariffs for most chemicals at WTO harmonization rates, including insecticides, organic chemicals and plastics.
- Elimination of import restrictions for products such as mining equipment and specialized machinery.

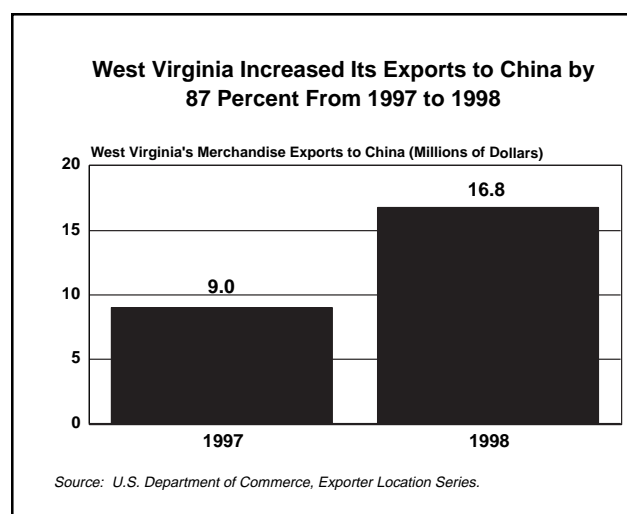
The agreement will open the market for a wide range of services, including telecommunications, banking, insurance, financial, professional, hotel, restaurant, tourism, motion pictures, video distribution, software entertainment distribution, periodicals distribution, business, computer, environmental, and distribution and related services.

### Sector Snapshot

U.S. farmers no longer will have to compete with export subsidies on China's agricultural products. China has agreed also to eliminate sanitary and phytosanitary barriers that are not based on sound scientific evidence, such as the restrictions on meat and poultry. In addition, exporters will benefit from broadening the right to import and distribute imported products in China and from tariff cuts on a wide range of products including poultry, beef, and pork.

As a result of the Agreement, West Virginia's key export sectors benefit from reduced tariffs in China, strong intellectual property protection and improved trade rules protecting U.S. industries against unfair trade practices and removing burdensome obstacles, including:

- Tariff elimination for information technology products including electronics. Major tariff reductions for specialized machinery, wood products, heavy machinery including specialty mining equipment, laboratory equipment, power generation equipment, synthetic fibers, aluminum products, and refrigeration equipment.



# Key Industry Benefits

## Chemicals

This sector includes chemicals and chemical products such as cosmetics, pharmaceuticals, agricultural chemicals, resins, and plastics. China will reduce average tariffs on chemicals by more than half to an average rate of 6.9 percent by January 1, 2005. All priority U.S. chemical exports, as well as all products in the Chemical Tariff Harmonization Agreement of the Uruguay Round (CTHA) are included in the tariff reductions. In addition, China will eliminate all quotas on chemical products by 2002. Trading rights will be phased in over three years from accession for most chemicals. China will not apply or enforce export performance or local content requirements as a condition for importation or investment approval. China has agreed to apply tariffs uniformly and all taxes equally to domestic and foreign chemical product businesses. This will alleviate the uncertainty associated with China's inconsistent application, refund, and waivers of its 17 percent value added tax.

## Construction Equipment and Heavy Machinery

China will reduce average tariffs on construction equipment by more than half to an average rate of 6.3 percent by January 1, 2004. Average tariffs on heavy machinery will be cut nearly in half, reaching 7.8 percent by 2004. Within four years of its accession into the WTO, China will eliminate its tendering requirements for non-government purchases of construction equipment and heavy machinery. Trading and distribution rights for construction equipment will be phased in over a three year period. China will not apply or enforce export performance or local content requirements as a condition for importation or investment approval. China has agreed to apply tariffs uniformly and all taxes equally to domestic and foreign construction equipment businesses. This will alleviate the uncertainty associated with China's inconsistent application, refund, and waivers of its 17 percent value added tax.

## Wood Products

Spurred by the elimination of certain tariffs on logs and lumber in the 1990s, China has emerged as the world's third largest wood importer. U.S. value-added wood exports to China are at record levels. China will reduce tariffs on wood and wood products to an average of 4.6 percent by January 1, 2004. Tariffs on plywood will drop from 15 percent to 4 percent. Existing tariffs set at 18 percent on particle board, oriented strand board, doors, windows, and flooring will drop to 4 percent, and fiberboard tariffs, currently ranging from 12 percent to 18 percent, will drop to 4 to 7.5 percent. If WTO members agree to and adopt the forest products sectoral initiative that originated in APEC, China has agreed to join this initiative and eliminate its tariffs on wood and other forest products. For wood products, China has agreed to provide

treatment to the United States on par with China's preferential programs for other countries. Trading and distribution rights for wood and wood products will be phased in over three years. China has also agreed to eliminate sanitary and phytosanitary barriers that are not based on sound science. Finally, China has committed not to impose import quotas on wood and wood products.

## Beef

China currently imports very little beef, but income growth and rising demand from urban centers are expected to result in significantly increased demand for imports. Under its WTO accession agreement, China will lower its tariff from 45 percent to 12 percent on frozen beef and from 45 percent to 25 percent on chilled beef by 2004. Tariffs on variety meats will be lowered from 20 percent to 12 percent. There will be no quantity limits at these tariff levels. As a result of the 1999 U.S.-China Agreement on Agricultural Cooperation, China agreed to accept all beef from the United States that is accompanied by a USDA certificate of wholesomeness.

## Pork

China consumes far more pork than any other country, but its trade barriers have effectively closed its market to imports. Under its WTO accession agreement, China will cut its tariff on frozen pork cuts and offal from 20 percent to 12 percent by 2004. There will be no quantity limits at these tariff levels. As a result of the 1999 U.S.-China Agreement on Agricultural Cooperation, China agreed to accept all pork from the United States that is certified wholesome by USDA.

## Poultry Meat

With imports accounting for 12 percent of total consumption, China is already the second leading market for U.S. poultry meat exports. Under its WTO accession agreement, China will cut its tariff in half (from 20 percent to 10 percent) by 2004 for frozen poultry meat cuts. There will be no quantity limits at these tariff levels. As a result of the 1999 U.S.-China Agreement on Agricultural Cooperation, China agreed to accept all poultry meat from the United States that is certified wholesome by USDA.

## Trade Stories

**FCX Systems** (Morgantown) is a manufacturer and exporter of frequency converters that are used by airplanes. A small company of 70 employees, FCX has been exporting regularly to China for five years, and the company's sales to China now represent 20 percent of its total yearly revenue. FCX Systems currently has equipment in ten Chinese airports and has recently competed for and won a contract against 100 bidders from countries all over the world for the new Beijing International Capital Airport.

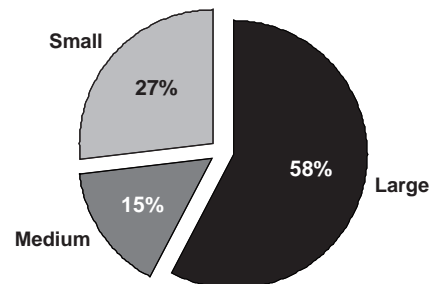
**Precision Samplers, Inc.** (South Charleston) is a designer and manufacturer of state-of-the-art auger and belt sampling systems for sampling coal. Roughly 20 percent of the company's coal sampling equipment exports over the last five years have been destined for state-owned power plants and coal mines in China. Because of current procurement practices in China, which favor domestic products, Precision Samplers has found it difficult to penetrate the Chinese market. Under China's WTO accession agreement, China's state-owned enterprises would be required to buy and sell based on commercial considerations, making the purchase process more transparent for U.S. companies.

### ROLE OF SMEs IN EXPORTS TO CHINA

Small and medium-sized enterprises (SMEs) are responsible for a growing share of U.S. exports to China.

- In 1997, SMEs generated 35 percent—more than one-third—of all U.S. merchandise exports to China. This figure is up significantly from a 28 percent share in 1992.
- The 35 percent SME share of the China market in 1997 was higher than the SME share of overall U.S. merchandise exports (31 percent) in that year.
- More than 40 percent of all firms exporting from West Virginia to China in 1997 were small or medium-sized enterprises (fewer than 500 employees).

**Small & Medium-Sized Companies Account for 42 Percent Of All Firms Exporting From West Virginia to China**



26 companies exported merchandise from West Virginia to China in 1997

Definitions: small = fewer than 100 employees; medium = 100–499 employees; large = 500 or more employees. Source: 1997 Exporter Data Base, U.S. Department of Commerce.

# Overview of China WTO Accession Benefits to the United States

The Agreement is a one-way deal that will open China's now largely closed market to U.S. exports. By enacting Permanent Normal Trade Relations (PNTR), the United States is merely maintaining the market access policies it already applies to China. If Congress enacts PNTR, the agreement is expected to provide a substantial boost for U.S. exports. If Congress fails to pass PNTR, American companies, workers and farmers will be denied the great bulk of benefits of the agreement the United States already negotiated—including broad new market access for critical services such as telecommunications and distribution, strong import protections, and the right to enforce China's commitments through WTO dispute settlement. Failure to enact PNTR means fewer U.S. exports to China. U.S. competitors in Europe, Asia and elsewhere will gain market share at the expense of U.S. exporters as these countries will enjoy the full benefits of China's market opening WTO commitments.

**Deep cuts for tariffs in manufactured products sectors<sup>1</sup>** affecting most U.S. exports—averaging an across-the-board 60 percent cut in tariffs for industrial products. Important gains include a 62.5 percent cut in tariffs for pulp, paper and printed material and elimination of tariffs for information technology products including electronics, telecommunications equipment, and computer equipment.

**Tariff bindings for every sector.** U.S. industries gain greater certainty of access with China's commitment not to raise tariffs on any products above the negotiated ceiling (bound) rates.

**Huge reduction in paperwork costs**—a boon to smaller exporters. Simplification, harmonization of customs procedures and licensing will slash costs of processing export orders.

**Elimination of quotas and non-automatic licenses** for all manufactured products by year 2005. Only a handful of quotas will remain after year 2003. While quotas are being phased out, the quota level will be higher than our current export levels and will increase by 15 percent each year until the quota is eliminated.

By joining the WTO, China is committing to establish a tariff-only import regime for **agricultural products**; all non-tariff barriers will be eliminated. Any other measure, such as inspection, testing, and domestic taxes, must be applied in a manner that is consistent with WTO rules requiring a transparent and nondiscriminatory system. All health-related restrictions must be based on sound science.

China also committed to implementing **agriculture tariff-rate quotas** (TRQs) on economic rather than political criteria. These commitments are designed to ensure a transparent and consistent system for allocating shares of the TRQ to end users and provisions to

ensure that quota-holders are not impeded in utilizing their allocations.

China has committed not to use **export subsidies** for agricultural products when it joins the WTO. This commitment is particularly useful for China's potential exports of corn, rice, and cotton, which in the past have displaced U.S. product from third-country markets.

Bilaterally, China agreed to the terms for removal of scientifically unjustified restrictions on importation of U.S. **wheat and other grains, citrus and meat.**

**Foreign exchange balancing requirements**—which link a company's level of imports to its level of exports—will be eliminated upon accession. This allows U.S. companies to make market-driven decisions about what to import and export instead of decisions driven by the Chinese government.

**Local currency banking** will be allowed starting with foreign clients upon accession, followed by Chinese enterprises two years after accession and Chinese individuals five years after accession. Foreign currency business will be allowed without geographic restrictions upon accession. China currently limits foreign banks to foreign currency business in selected cities.

**Foreign securities firms** may currently only trade in a limited number of stocks designated for foreign investors and then only via shared commissions. Upon accession, China will allow foreign firms to trade these shares with no Chinese intermediary. By three years after accession, foreign entities may establish securities joint ventures (JVs) with a minority equity share for foreign investors to underwrite all shares and corporate and government debt, and trade all these securities except those equity shares restricted to Chinese investors. Also upon accession, foreign entities may establish minority JVs to manage assets of all sorts.

**Insurance licenses will be granted on a prudential basis**, without numerical restrictions or discretionary economic needs tests. China currently only allows selected foreign companies (including four U.S. companies) to operate in China on a limited basis in only two cities.

**Majority equity share for foreign non-life insurance entities** will be permitted upon China's accession. Wholly owned subsidiaries will be allowed two years after accession. Life insurance joint ventures will be permitted at 50 percent equity share upon accession.

**Easier access to and more control of distribution systems** in China allowing U.S. companies to operate commission agents' services, franchising services, wholesaling, retailing and direct sales of their own products in three years post accession for almost all products.

**Foreign companies will also be permitted greater control and access to other services related to distribution**, including maintenance and repair, rental and leasing, advertising, technical testing and freight inspection, packaging, courier, storage and warehousing, and freight forwarding agency services.

**The right to trade** (import and export) will be permitted for almost all products within three years of accession. Currently, the right to trade is strictly limited; only companies that receive specific authorization or who import goods to be used in production have such rights.

**Telecommunications services** are currently not permitted to be supplied by foreigners in China. However, with its accession, China has agreed to allow foreign participation for both value-added and basic services. China has also agreed to undertake all the obligations contained in the WTO Reference Paper on pro-competitive regulatory principles. Telecom services which foreigners can supply under the Agreement include e-mail, voice mail, online information and database retrieval, facsimile, paging, cellular, and internet services via any technology including satellites.

**Professional service** providers will now be permitted to operate in China and receive national treatment for accounting, auditing, bookkeeping, management consulting, legal, tax consulting, architectural, engineering, and computer services.

**The elimination of local content requirements** will result in better access for U.S. exports and eliminate unfair incentives or requirements to use domestic goods.

**U.S. exports and investments will be free from government-imposed conditions** such as technology transfer, research and development in China, and offsets. Upon China's accession, such conditions may only be negotiated between the parties to a contract and not imposed or enforced by the government.

**U.S. companies can sell their products in China and not be forced to export a certain percentage** back to the United States or elsewhere. This eliminates the non-market incentive to use China as an export platform.

**State-owned and state-invested enterprises** will be required to buy and sell based on commercial considerations, making the purchase process more market-driven and transparent for U.S. companies and will provide new sales opportunities to U.S. firms.

China has agreed to establish **judicial review** procedures for the prompt review of all administrative actions relating to the implementation of laws, regulations, judicial decisions and administrative rulings related to its WTO obligations. The tribunals will be independent of the agencies entrusted with administrative enforcement.

**Greatly improved enforcement of China's commitments** through the WTO dispute settlement process. The United States will now have allies in other WTO members to address violations of international trade norms.

Current U.S. practice of using a special, non-market economy methodology when calculating dumping margins in **antidumping investigations** involving imports from China will remain in effect for 15 years. Chinese industries will continue to have the burden of proving to the U.S. government that market economy conditions prevail in their industry to avoid application of this methodology.

China will apply its trade-related laws **uniformly** throughout all of China including land and seaports.

China will be required to apply equally the value-added tax (currently at 17 percent for most products) to domestic goods as well as imports under the WTO **national treatment** provisions.

The United States will have access to a **product-specific safeguard mechanism** for 12 years which will allow the U.S. to address more easily any rapidly increasing Chinese imports in a targeted fashion in cases of actual or threatened market disruption to a U.S. industry.

China has agreed to incorporate into the WTO a **textile-specific safeguard** drawn from the U.S.-China Bilateral Textile Agreement.

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<sup>1</sup>For more information on tariff reductions, see tariff summary table.

## **ADDITIONAL INFORMATION AND ASSISTANCE**

The reports for each of the 50 states are available at [www.chinapntr.gov](http://www.chinapntr.gov), as well as supplemental information on the benefits of China's membership in the World Trade Organization for U.S. industry and agriculture. Additional information on agricultural products is available from [www.fas.usda.gov](http://www.fas.usda.gov) and speeches and testimony are provided on [www.ustr.gov](http://www.ustr.gov).

For counseling and assistance regarding exporting to China, call the Trade Information Center at 1-800-USA-TRAD(E) or the Agriculture FAS Trade Assistance Office at 202-720-7420.

To discuss problems you are experiencing in exporting to China or a Chinese trade barrier you are encountering that is limiting your ability to export, please contact the Commerce Department's Trade Compliance Center. The fastest means to contact the Trade Compliance Center is the internet at <http://www.mac.doc.gov/tcc>. It can be reached also via e-mail ([tcc@ita.doc.gov](mailto:tcc@ita.doc.gov)), fax (202-482-6097), or phone (202-482-1191).

## Key Industry Tariff Reductions Resulting from the Agreement

Product Description	Average Base Rate <sup>1</sup>	Average End Rate <sup>2</sup>	Percent Change	Product Description	Average Base Rate <sup>1</sup>	Average End Rate <sup>2</sup>	Percent Change
Agriculture equipment	11.5	5.7	50.4	Nonferrous metals	9.3	6.6	29.0
Auto parts	23.4	10.0	57.2	Aluminum	14.2	9.4	34.0
Beer	70.0	0	100.0	Oil and fuel	7.4	4.9	33.7
Building materials	16.4	14.1	14.0	Paper and printing machinery	14.3	10.8	24.5
Glass fibers	16.0	7.0	56.2	Photographic equipment	19.4	14.7	24.2
Chemicals	11.1	6.9	37.8	Power generation equipment including batteries	13.4	8.5	36.6
Cosmetics	29.3	11.9	59.3	Precious metals	13.8	11.0	20.0
Fertilizers	5.0	4.0	20.0	Prefabricated buildings	22.0	10.0	54.5
Pharmaceuticals	9.6	4.2	56.2	Pulp, paper and printed material	14.4	5.4	62.5
Soda ash	9.0	5.5	38.8	Railway equipment	5.7	4.4	22.8
Civil aircraft	14.7	8.1	44.9	Recorded media	10.0	6.8	32.0
Compressors and pumps	15.5	9.0	41.9	Rubber products	14.5	11.4	21.4
Construction equipment	13.6	6.3	53.7	Rubber- and plastic-working machinery	15.7	7.7	50.9
Distilled spirits	60.8	34.2	44.0	Scientific and measuring equipment	12.1	6.1	49.6
Engines	12.4	7.9	36.2	Small household appliances	31.2	24.7	20.8
Environmental technologies equipment	13.4	6.9	48.5	Special purpose vehicles	17.4	12.4	28.7
Fish	20.5	11.4	44.3	Specialized machinery	14.0	8.4	40.0
Food processing machinery	13.5	9.8	27.4	Steel	10.3	6.1	40.7
Footwear	25.0	20.8	16.8	Telecommunications equipment not covered under ITA <sup>4</sup>	24.0	17.2	28.3
Footwear machinery	11.5	8.4	26.9	Optical fibers	13.5	2.5	81.4
Furniture	22.0	0	100.0	Textiles and apparel	27.1	11.7	56.8
Heavy machinery	14.5	7.8	46.2	Synthetic yarn	18.1	5.0	72.3
Husbandry machinery	10.3	7.3	29.1	Toys	23.0	0	100.0
HVAC <sup>3</sup>	24.3	15.2	37.4	Trailers	13.8	10.0	27.5
Information technology covered under ITA <sup>4</sup>	13.5	0	100.0	Trucks	31.5	18.5	41.2
Laboratory machinery	12.9	10.2	20.9	Vending machines	23.0	13.6	40.8
Leather	18.7	16.2	13.3	Welding machines	14.8	9.8	33.7
Machinery parts	8.1	4.7	41.9	Wood	12.5	4.6	63.2
Medical equipment	9.9	4.4	55.5				
Metalworking machinery	15.1	11.4	24.5				
Molds	10.2	7.3	28.4				
Motorcycles	58.3	41.7	28.5				
Motor vehicles	75.9	23.6	68.9				
Passenger motor vehicles	84.1	25.0	70.0				

<sup>1</sup>Average 1997–98 applied duties for each product category. Reductions will be made from the 1997–98 base rate for each tariff line. Most cuts will be made in equal annual increments.

<sup>2</sup>Average end rate for each product category which will be attained once China phases in all duty reductions agreed bilaterally with the United States. All reductions will be completed by January 1, 2008, with 70 percent of all reductions on industrial goods achieved by 2003 and 98 percent of all industrial duty reductions by 2005. China's agreements with other countries may result in lower rates and shorter staging.

<sup>3</sup>Includes heaters, ventilators, air conditioners, washers, refrigerators, centrifuges/dryers.

<sup>4</sup>WTO Information Technology Agreement (ITA), implemented in July 1997.

## Key Agricultural Tariff Reductions Resulting from the Agreement

Product Description	Base Rate 1997-98 <sup>1</sup>	End Rate <sup>2</sup>	Percent Change	Product Description	Base Rate 1997-98 <sup>1</sup>	End Rate <sup>2</sup>	Percent Change
Beef	45	12	73.3	Pecans	35	10	71.4
Pork	20	12	40.0	Pistachios	35	10	71.4
Poultry	20	10	50.0	Cheese	50	12	76.0
Oranges	40	12	70.0	Lactose	35	10	71.4
Grapefruit	40	12	70.0	Ice cream	45	19	57.8
Lemons	40	12	70.0	Yogurt	50	10	80.0
Apples	30	10	66.7	Hop cone pellets	30	10	66.7
Cherries	30	10	66.7	Hop extracts	20	10	50.0
Grapes	40	13	67.5	Ginseng	40	10	75.0
Pears	30	10	66.7	Soybean flour	40	15	62.5
Peaches	30	10	66.7	Potatoes: Frozen			
Canned peaches	30	10	66.7	hash browns	25	13	48.0
Raisins	40	10	75.0	Potato flour, meal and flakes	30	15	50.0
Orange/grapefruit juices	35	15	57.1	Potato chips	25	15	40.0
Celery	13	10	23.1	Yellow grease	40	10	75.0
Lettuce	16	10	37.5	Soup	45	15	66.7
Cauliflower	13	10	23.1	Pet food	30	15	50.0
Broccoli	13	10	23.1	Wine	65	20	69.2
Frozen mixed vegetables	13	10	23.1	Protein concentrates	45	10	77.8
Frozen sweet corn	13	10	23.1	Water-based drinks with sugar	65	20	69.2
Tomato paste	25	20	20.0	Other water-based drinks	50	35	30.0
Tomato ketchup	30	15	50.0	Cigarettes	65	25	61.5
Almonds	30	10	66.7	Tobacco	40	10	75.0
Hazelnuts	35	10	71.4				

<sup>1</sup>Base rate: 1998 current applied duty from which reductions will be made.

<sup>2</sup>End rate: End rate that will be attained by January 1, 2004, when China finishes phasing in all agricultural duty reductions agreed bilaterally with the United States. China's agreements with other countries may result in lower rates and shorter staging for some products.

## Key Agricultural Tariff Rate Quotas (TRQ)

Product Description	Initial TRQ (million metric tons)	2004 TRQ (million metric tons)	Private Share (percent)	1999 Chinese Imports <sup>3</sup> (metric tons)
Wheat	7.3	9.6	10	448,000
Corn	4.5	7.2	25 growing to 40	70,000
Rice				168,000
Short/medium grain	1.3	2.6	50	
Long grain	1.3	2.6	10	
Cotton	0.743	0.9	67	46,000
Soybean oil <sup>4</sup>	1.71	3.2	50 growing to 90	804,000

<sup>3</sup>Import data from China Customs Administration, on a calendar year basis.

<sup>4</sup>TRQ quantity and private share will be phased in by 2005. On January 1, 2006, China will eliminate the TRQ and state trading for soybean oil, with nothing but a 9 percent duty remaining.